

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL ACTION NO. 1:18-CV-00206-GCM**

EDWARD L. BENFIELD,

Plaintiff,

v.

NANCY A. BERRYHILL,

Defendant.

ORDER

THIS MATTER having come before the Court upon Plaintiff's Motion for Attorney's fees under 28 U.S.C. § 2412, the Equal Access to Justice Act, and by consent of the parties, the Court finds that Plaintiff is entitled to an award of attorney's fees in this action and orders as follows:

1. That the Social Security Administration shall pay \$12,500.00 in attorney fees to Plaintiff in full settlement and satisfaction of any and all claims for attorney fees for legal services rendered under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d).
2. With respect to Plaintiff's signed assignment of EAJA fees to her attorney, in accordance with *Astrue v. Ratliff*, 560 U.S. 586 (2010), the Commissioner will first determine whether Plaintiff owes a debt to the United States. If so, the debt will be satisfied first and, if any funds remain, they will be made payable to Plaintiff and mailed to Plaintiff's counsel. If the Department of the Treasury reports to the Commissioner that Plaintiff does not owe a federal debt, the government will exercise its discretion and honor the assignment of EAJA fees and pay the awarded fees directly to Plaintiff's counsel.

SO ORDERED.

Signed: November 17, 2020

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

